REMARKS

In the Office Action[1], the Examiner rejected claims 1-4 under 35 U.S.C. §103(a) as being unpatentable over *Naik et al.*, U.S. Pub. No. 2006/0294238 ("*Naik*") in view of *Allon et al.*, U.S. Patent No. 5,539,883 ("*Allon*").

Claims 1 and 3 are amended, claims 2 and 4 are cancelled, without prejudice or disclaimer, and new claims 14-19 are added. Claims 1, 3, and 5-19 are pending in the present application, of which claims 5-13 are withdrawn. The new claims are supported by the original disclosure and do not introduce any new matter.

Applicants respectfully traverse the Examiner's rejection of the claims under 35 U.S.C. § 103(a) as being unpatentable over *Naik* in view of *Allon*. A *prima facie* case of obviousness has not been established for at least the following reasons.

"The key to supporting any rejection under 35 U.S.C. 103 is the clear articulation of the reason(s) why the claimed invention would have been obvious. . . . [R]ejections on obviousness cannot be sustained with mere conclusory statements." M.P.E.P. § 2142, 8th Ed., Rev. 7 (July 2008) (internal citation and inner quotation omitted). "The mere fact that references can be combined or modified does not render the resultant combination obvious unless the results would have been predictable to one of ordinary skill in the art." M.P.E.P. § 2143.01(III) (emphasis in original). "All words in a claim must be considered in judging the patentability of that claim against the prior art." M.P.E.P. § 2143.03. "In determining the differences between the prior art

[1] The Office Action contains a number of statements reflecting characterizations of the related art and the claims. Regardless of whether any such statement is identified herein, Applicants decline to automatically subscribe to any statement or characterization in the Office Action.

and the claims, the question under 35 U.S.C. 103 is not whether the differences themselves would have been obvious, but whether the claimed invention as a whole would have been obvious." M.P.E.P. § 2141.02(I) (emphases in original).

"[T]he framework for objective analysis for determining obviousness under 35 U.S.C. 103 is stated in *Graham v. John Deere Co.*, 383 U.S. 1, 148 U.S.P.Q 459 (1966). . . . The factual inquiries . . . [include determining the scope and content of the prior art and] . . . [a]scertaining the differences between the claimed invention and the prior art." M.P.E.P. § 2141(II). "Office personnel must explain why the difference(s) between the prior art and the claimed invention would have been obvious to one of ordinary skill in the art." M.P.E.P. § 2141(III).

A *prima facie* case of obviousness has not been established because the Office Action has neither properly determined the scope and content of the prior art nor properly ascertained the differences between the claimed invention and the prior art. Accordingly, the Office Action has failed to clearly articulate a reason why the prior art would have rendered the claimed invention obvious to one of ordinary skill in the art.

Independent claim 1, as amended, recites a computer-implemented method for managing a plurality of computer devices, including, "**receiving**, from at least one of the plurality of **grid managers**, current **resource loading information** . . . comprising the **computational resources available** to the **computer device** . . . and the **computational resources available** to all computer devices having an **inferior relation** to the computer device . . . **comparing** the utilization requirements to the current resource loading . . . and **based** on the **comparison**, **dynamically reconfiguring resource allocations** by changing the hierarchical relations between grid managers in the grid computing environment to maintain a predetermined resource allocation level." Emphasis added. Combinations of *Naik* and *Allon* do not teach, suggest, or make obvious at least these elements as recited amended claim 1.

Naik discloses forecasting to determine their suitability for participation in a grid computation. *Naik,* [0002]. *Naik* discloses forecasting future additional resource requirements or shortages, and compensating for these requirements by over-allocating resources in advance of the requirements. *Naik* discusses "additional service instances deployed" according to an increased demand. *Naik*, [0068]. There is no teaching or suggestion in *Naik* of "receiving, from at least one of the plurality of grid managers, current resource loading information . . . comprising the computational resources available to the computer device . . . and the computational resources available to all computer devices having an inferior relation to the computer device . . . " as recited in amended claim 1. Because there is no disclosure of this element, there cannot be any teaching or suggestion of a "comparing the utilization requirements to the current resource loading," as recited in amended claim 1.

The Office Action acknowledges "Naik fails to explicitly disclose dynamic reconfiguration of resource allocations by changing hierarchical relations between nodes." Office Action, p. 3. Thus it is undisputed that *Naik* fails to teach or suggest "based on [a] comparison, dynamically reconfiguring resource allocations by changing the hierarchical relations between grid managers in the grid computing environment to maintain a predetermined resource allocation level." Therefore, *Naik* cannot teach, suggest, or make obvious at least the above-listed elements recited in claim 1.

Allon fails to cure the deficiencies of *Naik*. The Office Action alleges *Allon* teaches "dynamic reconfiguration of resource allocations by changing hierarchical relations between nodes" by referencing column 5, lines 3-46 of *Allon*. *Id.* The Office Action is incorrect. This portion of *Allen* discloses reconnection of failed nodes when all higher ranked nodes in a tree are unresponsive to a request. *Allon*, col. 5, lines 3-21. Further, even if *Allon* disclosed "dynamic reconfiguration of resource allocations by changing hierarchical relations between nodes," which Applicants do not concede, *Allon* still fails to remedy the deficiencies of *Naik*. There is no teaching or suggestion in *Allon* of that "reconfiguring resource allocations" is performed "based on a comparison" of "utilization requirements to . . . current resource loading." Therefore, *Allon* does not teach, suggest or make obvious "**receiving**, from at least one of the plurality of **grid managers**, current **resource loading information** . . . comprising the **computational resources available** to the **computer device** . . . and the **computational resources available** to all computer devices having an **inferior relation** to the computer device . . . **comparing** the utilization requirements to the current resource loading . . . and **based** on the **comparison**, **dynamically reconfiguring resource**

allocations by changing the hierarchical relations between grid managers in the grid computing environment to maintain a predetermined resource allocation level," as recited in amended claim 1.

Accordingly, claim 1, as amended, would have been obvious to one of ordinary skill in the art in view of the prior art. Therefore, a *prima facie* case of obviousness has not been established with respect to claim 1 and the rejection under 35 U.S.C. § 103(a) should be withdrawn.

Independent claim 3, while of different scope from claim 1, includes similar recitations as claim 1. Thus, independent claim 3 is allowable over *Naik* and *Allon* for reasons similar to those discussed above. New dependent claims 14-19 are also allowable at least due to their dependence from the independent claims.

Accordingly, for at least the above-noted reasons, Applicants respectfully request reconsideration and withdrawal of the rejection of claims 1 and 3.

In view of the foregoing, Applicants submit that this claimed invention, as amended, is neither anticipated nor rendered obvious in view of the prior art references cited against this application. Applicants therefore request the Examiner's reconsideration and reexamination of the application, and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to Deposit Account 06-0916.

Respectfully submitted,

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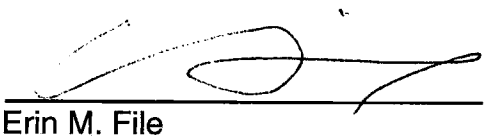
By: 

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